



General Assembly

February Session, 2016

***Raised Bill No. 5446***

LCO No. 1795



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:  
(INS)

***AN ACT REQUIRING CERTAIN LIQUOR PERMITTEES TO PROCURE  
AND MAINTAIN LIQUOR LIABILITY INSURANCE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-39 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016, and*  
3 *applicable to applications for a liquor permit or a renewal of such a permit*  
4 *submitted on or after said date*):

5 (a) For the purposes of this section, the "filing date" of an application  
6 means the date upon which the department, after approving the  
7 application for processing, mails or otherwise delivers to the applicant  
8 a placard containing such date.

9 (b) (1) (A) Any person desiring a liquor permit or a renewal of such  
10 a permit shall [make] submit a sworn application [therefor] to the  
11 Department of Consumer Protection upon forms to be furnished by the  
12 department, showing the name and address of the applicant and of the  
13 applicant's backer, if any, the location of the club or place of business  
14 [which] that is to be operated under such permit and a financial

15 statement setting forth all elements and details of any business  
16 transactions connected with the application. Such application shall  
17 include a detailed description of the type of live entertainment that is  
18 to be provided. A club or place of business shall be exempt from  
19 providing such detailed description if the club or place of business  
20 [(A)] (i) was issued a liquor permit prior to October 1, 1993, and [(B)]  
21 (ii) has not altered the type of entertainment provided. The application  
22 shall also indicate any crimes of which the applicant or the applicant's  
23 backer [may] have been convicted.

24 (B) Applicants shall submit (i) documents sufficient to establish that  
25 state and local building, fire and zoning requirements and local  
26 ordinances concerning hours and days of sale will be met, except that  
27 local building and zoning requirements and local ordinances  
28 concerning hours and days of sale shall not apply to any class of  
29 airport permit. The State Fire Marshal or the marshal's certified  
30 designee shall be responsible for approving compliance with the State  
31 Fire Code at Bradley International Airport; and (ii) for applications for  
32 restaurant permits, cafe permits or tavern permits, a certificate of  
33 insurance for the coverage required under subparagraph (D) of this  
34 subdivision.

35 (C) Any person desiring a permit provided for in section 30-33b  
36 shall file a copy of such person's license with such application if such  
37 license was issued by the Department of Consumer Protection.

38 (D) Any person desiring or renewing a restaurant permit, cafe  
39 permit or tavern permit shall procure and maintain insurance coverage  
40 for liquor liability of not less than the amount for damages specified  
41 under section 30-102.

42 (E) The department may [, at its discretion,] conduct an  
43 investigation to determine whether a permit shall be issued to an  
44 applicant.

45 (2) The applicant shall pay to the department a nonrefundable

46 application fee, which fee shall be in addition to the fees prescribed in  
47 this chapter for the permit sought. An application fee shall not be  
48 charged for an application to renew a permit. The application fee shall  
49 be [in the amount of] ten dollars for the filing of each application for a  
50 permit by a charitable organization, including a nonprofit public  
51 television corporation, a nonprofit golf tournament permit, a  
52 temporary permit or a special club permit; and for all other permits, [in  
53 the amount of] one hundred dollars for the filing of an initial  
54 application. Any permit issued shall be valid only for the purposes and  
55 activities described in the application.

56 (3) (A) The applicant, immediately after filing an application, shall  
57 give notice thereof, with the name and residence of the permittee, the  
58 type of permit applied for and the location of the place of business for  
59 which such permit is to be issued and the type of live entertainment to  
60 be provided, [all] in a form prescribed by the department, by  
61 publishing the same in a newspaper having a circulation in the town in  
62 which the place of business to be operated under such permit is to be  
63 located, at least once a week for two successive weeks, the first  
64 publication to be not more than seven days after the filing date of the  
65 application and the last publication not more than fourteen days after  
66 the filing date of the application.

67 (B) The applicant shall affix, and maintain in a legible condition  
68 upon the outer door of the building wherein such place of business is  
69 to be located and clearly visible from the public highway, the placard  
70 provided by the department, not later than the day following the  
71 receipt of the placard by the applicant. If such outer door of such  
72 premises is so far from the public highway that such placard is not  
73 clearly visible as provided, the department shall direct a suitable  
74 method to notify the public of such application. When an application is  
75 filed for any type of permit for a building that has not been  
76 constructed, such applicant shall erect and maintain in a legible  
77 condition a sign not less than six feet by four feet upon the site where  
78 such place of business is to be located, instead of such placard upon

79 the outer door of the building. The sign shall set forth the type of  
80 permit applied for and the name of the proposed permittee, shall be  
81 clearly visible from the public highway and shall be so erected not  
82 later than the day following the receipt of the placard.

83 (C) Such applicant shall make a return to the department, under  
84 oath, of compliance with the [foregoing] requirements under  
85 subparagraphs (A) and (B) of this subdivision, in such form as the  
86 department may determine, but the department may require any  
87 additional proof of such compliance. Upon receipt of evidence of such  
88 compliance, the department may hold a hearing as to the suitability of  
89 the proposed location. The provisions of this subdivision shall not  
90 apply to applications for airline permits, charitable organization  
91 permits, temporary permits, special club permits, concession permits,  
92 military permits, railroad permits, boat permits, warehouse permits,  
93 brokers' permits, out-of-state shippers' permits for alcoholic liquor and  
94 out-of-state shippers' permits for beer, coliseum permits, coliseum  
95 concession permits, special sporting facility restaurant permits, special  
96 sporting facility employee recreational permits, special sporting facility  
97 guest permits, special sporting facility concession permits, special  
98 sporting facility bar permits, nonprofit golf tournament permits,  
99 nonprofit public television permits and renewals. The provisions of  
100 this subdivision regarding publication and placard display shall also  
101 be required of any applicant who seeks to amend the type of  
102 entertainment upon filing of a renewal application.

103 (4) In any case in which a permit has been issued to a partnership, if  
104 one or more of the partners dies or retires, the remaining partner or  
105 partners need not file a new application for the unexpired portion of  
106 the current permit, and no additional fee for such unexpired portion  
107 shall be required. Notice of any such change shall be given to the  
108 department and the permit shall be endorsed to show correct  
109 ownership. When any partnership changes by reason of the addition of  
110 one or more persons, a new application with new fees shall be  
111 required.

112 (c) Any ten persons who are at least eighteen years of age [,] and are  
113 residents of the town within which the business for which the permit  
114 or renewal thereof has been applied for, is intended to be operated, or,  
115 in the case of a manufacturer's or a wholesaler's permit, any ten  
116 persons who are at least eighteen years of age and are residents of the  
117 state, may file with the department, [within] not later than three weeks  
118 [from] after the last date of publication of notice made pursuant to  
119 subparagraph (A) of subdivision (3) of subsection (b) of this section for  
120 an initial permit, and in the case of renewal of an existing permit, at  
121 least twenty-one days before the renewal date of such permit, a  
122 remonstrance containing any objection to the suitability of such  
123 applicant or proposed place of business. Upon the filing of such  
124 remonstrance, the department, upon written application, shall hold a  
125 hearing and shall give such notice as it deems reasonable of the time  
126 and place at least five days before such hearing is [had] held. The  
127 remonstrants shall designate one or more agents for service, who shall  
128 serve as the recipient or recipients of all notices issued by the  
129 department. At any time prior to the issuance of a decision by the  
130 department, a remonstrance may be withdrawn by the remonstrants or  
131 by such agent or agents acting on behalf of such remonstrants and the  
132 department may cancel the hearing or withdraw the case. The decision  
133 of the department on such application shall be final with respect to the  
134 remonstrance.

135 (d) (1) No new permit shall be issued until the [foregoing]  
136 provisions of [subsections (a) and] subsection (b) of this section have  
137 been complied with.

138 (2) No restaurant permit, cafe permit or tavern permit shall be  
139 renewed unless a certificate of insurance for the coverage required  
140 under subparagraph (D) of subdivision (1) of subsection (b) of this  
141 section has been submitted with the application for renewal of such  
142 permit.

143 (3) Six months' or seasonal permits may be renewed, provided the

144 renewal application and fee shall be filed at least twenty-one days  
 145 before the reopening of the business, there is no change in the  
 146 permittee, ownership or type of permit, and the permittee or backer  
 147 did not receive a rebate of the permit fee with respect to the permit  
 148 issued for the previous year.

149 [(e)] (4) The department may renew a permit that has expired if the  
 150 applicant pays to the department a nonrefundable late fee pursuant to  
 151 subsection (c) of section 21a-4, which fee shall be in addition to the fees  
 152 prescribed in this chapter for the permit applied for, except that for a  
 153 restaurant permit, cafe permit or tavern permit that has expired, the  
 154 applicant shall also submit a certificate of insurance for the coverage  
 155 required under subparagraph (D) of subdivision (1) of subsection (b)  
 156 of this section. The provisions of this subsection shall not apply to  
 157 one-day permits, to any permit which is the subject of administrative  
 158 or court proceedings, or where otherwise provided by law.

159 (e) A restaurant permittee, cafe permittee or tavern permittee whose  
 160 liquor liability insurance policy has been cancelled or nonrenewed  
 161 shall notify the department immediately upon such cancellation or  
 162 nonrenewal and shall take immediate action to procure a new  
 163 insurance policy providing the coverage required under subparagraph  
 164 (D) of subdivision (1) of subsection (b) of this section. Upon procuring  
 165 such policy, the permittee shall submit a new certificate of insurance to  
 166 the department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016, and applicable to applications for a liquor permit or a renewal of such a permit submitted on or after said date</i>	30-39

***Statement of Purpose:***

To require applicants for a restaurant permit, cafe permit or tavern permit or renewal of such permit to procure and maintain liquor liability insurance coverage and to submit a certificate of insurance for such coverage to the Department of Consumer Protection.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*